

ORDINANCE AMENDING THE CITY OF TROY ZONING MAP TO CHANGE THE ZONING CLASSIFICATION DISTRICT OF PROPERTY KNOWN AS 1011 SECOND AVENUE, TAX PARCEL NUMBER 70.64-1-1, FROM “R-1” SINGLE FAMILY RESIDENTIAL TO “P” PLANNED DEVELOPMENT

The City of Troy, in City Council convened, ordains as follows:

Section 1. The purpose of this Ordinance is to change the zoning classification district of certain lands in the City of Troy, commonly known as 1011 Second Avenue and more particularly identified by tax map parcel number 70.64-1-1, from “R-1” Single Family Residential District to “P” Planned Development District, in a manner consistent with the City’s Comprehensive Plan and to enhance the general welfare of the City as a whole.

Section 2. The lands affected by this Ordinance and identified by tax map parcel number 70.64-1-1 are depicted on the relevant portion of the City of Troy Official Zoning Map as shown on Attachment 1 of this Ordinance.

Section 3. The City Council hereby amends the City of Troy Zoning Map to change the zoning classification district of the property known as 1011 Second Avenue, tax parcel number 70.64-1-1, from “R-1” Single Family Residential District to “P” Planned Development District subject to the following conditions, all to be undertaken at developer’s expense for the benefit of the entire community, and as may be shown conceptually on Attachment 2 of this Ordinance:

Section 3.1. Development of the property will be in substantial conformance with the October 2021 Expanded Environmental Assessment Report, for construction of no more than three apartment buildings with a total of no more than 231 units as reviewed by the City Council acting as Lead Agency under the State Environmental Quality Review Act.

Section 3.2. Developer will proceed with the project in a manner that complies with the recommendation of the 2020 Phase IB/II archaeological study either to avoid the expressly defined areas of archaeological significance or to conduct a Phase III recovery study and recovery in coordination with the State Historic Preservation Office and an approved Phase III Data Retrieval Plan before development occurs.

Section 3.3. Developer will construct the project that has been reviewed by the City Council in a manner that conforms with all applicable zoning regulations, or obtain from the Zoning Board of Appeals such variances as may be necessary for the project.

Section 3.4. Developer will construct the project in a manner that sets structures back from roadways and waterways, and utilizes vegetated buffers and berms to minimize viewshed impacts.

Section 3.5. Developer will construct the project in a manner that will comply with Department of Environmental Conservation stormwater regulations to protect water quality and to divert stormwater from the combined sanitary system. Developer will incorporate

Best Management Practices to ensure that on-site water quality systems will be regularly maintained, and will design and implement all erosion and sediment control measures in accordance with New York State Standards and Specifications for Erosion and Sediment Controls. Developer as Owner or Owner will execute a Maintenance Easement and Agreement in conformance with §159-11 (B) & (C) of the City Code.

Section 3.6. Developer will obtain a permit for the additional discharge into the City's sanitary sewer system resulting from the project and will construct any facilities required by the permit to offset and abate the added flow.

Section 3.7. Developer will construct to City specification and to the satisfaction of the City Engineer approximately 1,750 linear feet of sidewalks with lighting fixtures along the entire property frontage and continuing south on the west side of Second Avenue to connect with the current sidewalk terminus at or near the Hannaford Supermarket located at 9 126th Street, which sidewalks and fixtures shall be dedicated to public use.

Section 3.8. Developer will construct to City specification and to the satisfaction of the City Engineer approximately 1,360 linear feet of multi-use riverfront trail with lighting fixtures from an access point on the west side of Second Avenue, thence continuing west toward the Hudson River, and thence continuing north parallel to the Hudson River as shown conceptually on Attachment 2 of this Ordinance, and including a gazebo at the scenic river overlook and a public kayak launch area accessible from the trail and parking areas.

Section 3.9. Developer as Owner or Owner will convey to the City a perpetual easement for the use and benefit of the City and the general public in, to, on, and over approximately two and one-half acres of open space to remain undeveloped, the multi-use riverfront trail to be constructed, the gazebo at the scenic river overlook, the public kayak launch area, lawn areas near the trail or river, and the riverbank and shoreline, together with unimpeded rights of ingress and egress through the street entrances, street exits, driveways, sidewalks, trails, open spaces, paths, and surface parking lots of the development. The easement rights shall include without limitation the right to use no less than ten parking spaces near the river in order to access the recreational amenities open to the public and the right to install and maintain utilities as the City may deem necessary and appropriate. The deed of easement shall be subject to legal approval by the Corporation Counsel and final acceptance by the City Council.

Section 3.10. Developer will not in any way interfere with the water line that currently runs across the property from east to west conveying City of Troy water to Waterford and Halfmoon, nor will developer infringe the water line utility easement and the rights and restrictive covenants associated therewith for the installation, maintenance, monitoring, and operation of the water line. Developer shall have the affirmative duty to ensure that the water line shall at all times be accessible for operational, maintenance, and repair purposes, and no plan of construction for the project shall be implemented unless and until it has been approved by the City of Troy Superintendent of Public Utilities. Developer also shall have the affirmative duty to protect the water line from damage arising out of the construction

and operations of the project, and shall be responsible for any loss, destruction, or damage to the water line that arises in any way as a result of or in consequence of the development of the project. Developer shall defend, indemnify, and hold the City of Troy completely harmless for and from any damage to the water line that arises in any way as a result of or in consequence of the development of the project. Developer shall defend, indemnify, and hold the City of Troy completely harmless from any claims for damages arising in consequence of any damage caused to the water line by the development of the project. Prior to commencing site development or any other construction, developer shall cause the City of Troy to be named as additional insured on its policies of insurance with respect to all such damages and liabilities, with coverages in such amount and form as shall be approved by Corporation Counsel, and shall provide to Corporation Counsel certificates of insurance evidencing the requisite insurance coverages to Corporation Counsel's satisfaction.

Section 3.11. Developer will not perform or undertake any dynamite or other explosive blasting at the property.

Section 3.12. For any Industrial Development Authority (IDA) incentives, developer will use the City of Troy IDA exclusively, and incentives will be limited solely to mortgage recording tax and sales tax exemptions.

Section 3.13. Except for continuing obligations, developer will satisfy the aforesaid conditions before issuance of the building permit, or before issuance of a certificate of occupancy, or before such other time as reasonably may be required. The City Engineer in consultation with appropriate officials designated in this Ordinance shall determine the deadline for satisfaction of each particular condition, and may withhold required permits and authorizations in the event a condition is not satisfied.

Section 4. The City Council hereby directs the Department of Planning to delineate this duly enacted change on the Official Zoning Map of the City of Troy, with reference to the conditions recited herein, as an amendment made pursuant to Troy City Code Section 285-49(B) and enacted by this Ordinance.

Section 5. This Ordinance shall take effect immediately.

Approved as to Form,

Richard T. Morrissey, Corporation Counsel

ATTACHMENT 1



